

PLANNING COMMISSION MINUTES OF JULY 24, 2006

2006-0593 – Bradley Planning Group [Applicant] **Delaine L Topoll** [Owner]: Application for related proposals on a 12,189 square foot site located at **1244 Poplar Avenue** (near Tulip Drive) in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 213-44-042) AM;

- **Use Permit** to allow three new single-family homes, and
- **Parcel Map** to allow a 3 lot subdivision.

Andy Miner, Principal Planner, presented the staff report. He said most of the standards for the proposed units have been met including setbacks, height requirements, useable open space requirements, and the driveway and parking requirements. He said the homes on this street are changing from older homes to newer homes, as the lot sizes are larger and the R-2 zoning allows for more density. He said the concerns about this project are privacy for the neighbors to the north, architectural mass and scale compatibility. Mr. Miner said there have been several meetings with the neighbors and the applicant and some of the changes that have resulted are that unit three has been moved four feet further away from the north property line. Mr. Miner provided a correction to the staff report stating that the applicant has reduced the pitch of the roof resulting in a reduction of height for unit two from 26 feet to 24 feet, and units one and three from approximately 25 feet to 23 feet. He said some of the windows have been changed to address privacy issues by using frosted windows or making the windowsills higher. He said staff recommends approval with the conditions as mentioned and said the project is compatible with the R-2 Zoning District and that there are design elements included to help mitigate the privacy concerns.

Comm. Babcock clarified with staff that the pitch of the roof has been reduced and that the height of units one and three have changed from approximately 25 feet to 23 feet and the height of unit two has changed from approximately 26 to 24 feet. Comm. Babcock referred to page 8 of the report regarding a similar project (2004-0857) that was approved by the Planning Commission in 2005 with a reduction in the Floor Area Ratio (FAR) to 50%. She asked staff if the project referred to in the report was the project that the City Council overturned the Planning Commission reduction of the FAR and approved and the project with a higher FAR. Trudi Ryan, Planning Officer, said yes.

Comm. Hungerford confirmed with staff that the setbacks on unit three were eight feet for the first story and 11 feet for the second story. He asked if staff said that they were looking at options of providing a further setback on the second story. Staff said yes and discussed some options for reducing the second-story setback on unit three. Comm. Hungerford said that staff indicated that changing the second-story setback could affect the useable open space for

the project and asked staff to comment. Mr. Miner said it is possible if the uncovered parking area is changed that some useable open space could be lost.

Chair Klein opened the public hearing.

Geoff Bradley, applicant from Bradley Planning Group, introduced the proposed builder Skip Reed, and said they have tried to design this project to meet all the requirements in the zoning code and the Sunnyvale small-lot single-family design guidelines. He said they have worked with staff, used the recently adopted zoning tools for home ownership, considered input from the Planning Commission study session of July 10, 2006, and have met with and tried to mitigate Tulip Drive neighbor's concerns resulting in five changes to their project plans. He said the changes made include: shifting the house on lot three to have an eight-foot setback on the first floor and an 11-foot setback on the second floor; converting all the windows on the north facing elevations of all three units to high sill or smaller frosted windows; proposing an eight foot good neighbor fence on the north property line, with the top two feet being lattice; developing a detailed landscape screening plan customized for the conditions on each lot to soften the views for Tulip Drive neighbors; reducing the roof pitch on all three units. He said he believes these changes provide a comprehensive solution to the neighbors' concern about privacy and visual impact. He said that due to the changes proposed he is requesting the Commission eliminate Condition of Approval (COA) 4.C, which requires lot three be reconfigured. He also asked that COA 8.F be reconsidered requiring a solid masonry wall along the north and south property lines as he feels the masonry wall would be out of character for single-family homes.

Brian Davis, a resident of Sunnyvale, spoke against approval of this project and requested that the proposed plans be denied or delayed. He said there are errors in the report mainly due to incomplete architectural drawings. He said the lot sizes are incorrect, that there is no shadow study provided, and he requests a delay until all the documentation is correct. Mr. Davis said the setting on Poplar Avenue is surrounded by single-story structures and he feels this project will stand out. He said the zoning is R-2, but the lot is narrow. He said Tulip Drive has three single-story structures that are R-0 lots and there is the unfortunate configuration of side yard to backyard lots. He discussed the photos in Attachment D of the staff report and said the developer plans to use plans approved for a neighboring lot at 1276 Poplar Avenue that "maxed out" the neighboring lot. He said 1244 Poplar Avenue is a transitional property and that the proposed project is good for the developer, but bad for neighbors and the neighborhood.

Robert Ponzini, a resident of Sunnyvale, spoke against approval of this project. He said he agrees that the proposed development is good for the developer, but not for the neighbors, or the neighborhood. He said this development would be three, giant, two-story homes sticking out in a single-story neighborhood. He

said the City has an obligation to assure that the zoning code requirements are maintained, adhered to and provide protection to the lower-density properties in the area. He referred to code 19.32.040 which used to limit the height of buildings to 20 feet adjacent to single-family residence zoning districts if the buildings adjacent were single-story. He said that this was recently changed and that now the buildings can be taller which provides no protection to his neighborhood from the higher-density projects moving in around them. He said the proposed development would present a wall of large buildings behind his house. He said he has a swimming pool and he is concerned about the shadow study as he uses a solar blanket to heat the pool and he is concerned about his privacy. He said even with the mitigation proposed it does not change the height of the structures. He said the density of the proposed project does not allow for any significant yards or open space.

Comm. Simons asked Mr. Ponzini what type of trees he would possibly like to see planted to help mitigate his privacy concerns. Mr. Ponzini said possibly a Podocarpus or a Pittosporum as a shrub. He said he does not want to have a tree that will be 60 to 80 feet tall as the documents indicate that the trees are not to be topped and the tall trees would cast a huge shadow. Comm. Simons asked Mr. Ponzini if he is familiar with the single-story overlay districts. Mr. Ponzini was not. Comm. Simons said if the neighborhood is interested and the neighborhood meets the requirements that they could set an overlay that would limit the addition of second-story houses.

Vice Chair Sulser asked staff to address the solar study issue (shadow study) and asked if one was requested. Ms. Ryan said that the issue came up in the study session and due to the distance to the adjacent homes staff did not request a study prior to the public hearing. She said based on general practice staff did not request a solar study.

Chair Klein asked staff to explain what the rule for solar studies is. Ms. Ryan said the zoning code indicates that for single-family residential properties that no more than 10% of the roof can be shaded on the shortest day of the year, December 21st. She said when there is a one-story structure and a multi-story structure staff would determine if the analysis would need to be done. She said typically, when a southern property is the taller property then a solar study would need to be done because of the angle of the sun in December.

Calvin Wu, a resident of Sunnyvale, requested Mr. Ponzini speak on his behalf and Mr. Wu provided Mr. Ponzini with a written prepared list of his concerns as a property owner regarding this project. Mr. Wu lives behind lot number three and requests that the building behind his house be the same distance from the fence as the other two units. He said he would like the orientation of the third unit in the project to be changed and for the house to be moved back and facing the same direction as the other two units. He said eight feet and 11 feet are okay setbacks for a one-story structure. He said he also has a satellite dish in his backyard

and he is concerned that his reception might be blocked with the second-story addition being so close to his fence.

Chair Klein closed the public hearing.

Comm. Babcock moved for Alternative 2 to approve the Use Permit and Parcel Map with modified conditions: to add Condition of Approval (COA) 1.G, that the FAR be reduced to 50%, averaged over the entire property; and to modify COA 8.F to be worded that the type of wall will be a joint decision between the neighbor and the developer subject to the approval of the Director of Community Development. Comm. Simons seconded the motion and offered a Friendly Amendment, to add COA 9.K that any planted trees on the site shall be large species native trees as appropriate for placement on the site, excluding the landscape screening trees along the north elevation of the property. Comm. Babcock accepted the Friendly Amendment.

Chair Klein confirmed with Comm. Babcock that the FAR is 50% averaged among all three properties.

Comm. Babcock said she was able to make the findings on this proposal. She said this is a difficult, transitional piece of property, but the applicant and staff have worked to minimize the impact to the single-family homes. She said with the existing COAs, the further redesign of parcel number three, and the reduction of the FAR for entire project, that this project should work out well.

Comm. Simons said he agrees with Comm. Babcock and he was pleased with the fence modification in COA 8.F. He said the FAR reduction will help reduce the impact on the neighbors and is consistent with Planning Commission recommendations in the past.

Comm. Hungerford said he was pleased with COA 3.G, 3.H and 3.I regarding the maintenance of the landscaping and that if the property owner does not maintain the landscaping that the City can provide clean up at the property owner's expense. He said that with this particular project, the maintenance of the landscaping is critical and these COAs are a good way of addressing the concerns.

Comm. Simons suggested that the selection of the type of trees to be used along the north elevation be coordinated with the neighbors. Comm. Babcock confirmed with staff that this would be appropriate and could be added as a new COA. **Comm. Babcock added COA 9.L that the selection of the type of trees along the north elevation be coordinated with the neighbors that this would be added as a COA. Ms. Ryan offered that the wording include that the applicant and the neighbors confer with each other on the**

tree selection, but that the final approval would be from the Director of Community Development.

Comm. Rowe confirmed with Comm. Babcock regarding the FAR being reduced to an averaged 50% saying that this would automatically reduce the sizes of the proposed units. She also asked staff about the Conditions, Covenants and Restrictions (CC&Rs), commenting that she thought this type of development did not require CC&Rs. Ms. Ryan clarified that this type of development does not require a Homeowners Association, but that does not necessarily preclude having CC&Rs.

Chair Klein commended Comm. Babcock for including in the motion the reduction of the FAR as he feels this will improve the site dramatically. He said he would be supporting the motion.

ACTION: Comm. Babcock made a motion on 2006-0593 to approve the Use Permit and Parcel Map with modified conditions: to add Condition of Approval (COA) 1.G, that the Floor Area Ratio (FAR) be reduced to 50%, averaged over the entire property; to modify COA 8.F to be worded that the type of wall installed along the north and south property lines be a joint decision between the neighbor and the developer subject to the approval of the Director of Community Development; to add COA 9.K that trees planted on the site be large species native trees as appropriate for placement on the site, excluding the landscape screening trees along the north elevation of the property; to add COA 9.L that the applicant and the neighbors confer on the selection of the type of trees along the north elevation with the final approval obtained from the Director of Community Development. Comm. Simons seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This item is final unless appealed to the City Council no later than August 8, 2006.